

**IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JEROME D. JOHNSON

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv539LG-JMR

DONALD A. CABANA, et al.

DEFENDANTS

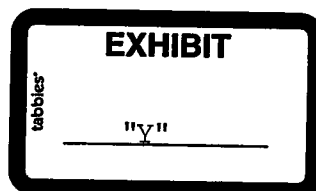
STATE OF MISSISSIPPI

COUNTY OF HARRISON

**AFFIDAVIT OF CORRECTIONS OFFICER NATHAN ELLSBERRY
HARRISON COUNTY SHERIFF'S OFFICE**

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in and for the County and State aforesaid, the within named NATHAN ELLSBERRY who, after first being duly sworn by me on his oath, did depose and state the following:

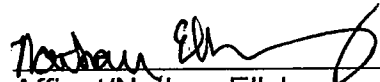
1. My name is Nathan Ellsberry and I am over the age of twenty-one (21) years. I am a Sergeant with the Harrison County Sheriff's Office. I have personal knowledge of the matters and facts contained in this Affidavit and I am competent to testify to the matters stated herein.
2. At no time during my tenure as Sergeant at the HCADC was I given the task or responsibility of investigating any criminal matter arising at the HCADC. It is the policy of the HCADC that criminal charges against inmates are investigated through the Criminal Investigation Division.
3. On September 1, 2006 myself and, at the time, Sergeant Leonard were the first officers to speak to inmate Eugene Loisel about a sexual assault claim against Jerome Johnson. Myself and Sergeant Leonard made arrangements



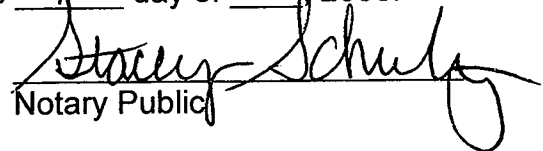
to have inmate Loisel taken to Memorial Hospital for a victim sexual assault kit to be performed. I prepared the Officer's Narrative Form Report regarding the incident and forwarded my findings to the CID investigator. See Narrative Form hereto as **Exhibit "1"**.

4. As it relates to the investigation of Plaintiff's sexual assault charge, that matter was conducted through CID. I had no personal involvement in that investigation, nor did I have any knowledge of the status of the prosecution of this matter.
5. At the time, I believed that my actions were objectively responsible in light of the information available to me at the time.
6. All policies attached hereto represent policies and procedures which were in place and effect at the time of the subject incident.

I certify the above declaration is true and correct under penalty of perjury.


Affiant/Nathan Ellsberry
Harrison County, Mississippi

Sworn to and subscribed before me on this the 12th day of August, 2008.


Notary Public

My Commission Expires:

1/28/09

(SEAL)

NARRATIVE FORM

<input type="checkbox"/> Juvenile Involved		Type Incident/Crime: Informational		Date of This Report 8-31-06	Date of Original Report 8-31-06		
<input checked="" type="checkbox"/> Original Report		Suspect/Victim Name Loisel, Eugene Anthony #289589		List Complaint Numbers of Connected Cases			
<input type="checkbox"/> Offense Supplement							
<input type="checkbox"/> Custody Supplement							
<input type="checkbox"/> Other							
Status	Qty.	Article	Brand/Make	Model Name	Description	Serial No. or OAN	Value

On ~~8-31-06~~ ^{9/1/06} at approximately 0315 hours Sergeant Ellsberry and Sergeant Leonard spoke to inmate Eugene Anthony Loisel III in reference to a possible rape in C-Block D-Section. Inmate Loisel reported that 02 black males from the top tier came in his cell and jumped on him. He reported that one held him(Loisel) down while the other raped him. Sergeant Ellsberry asked inmate Loisel if he sustained any injuries during the incident. Inmate Loisel said that he did not fight them because he knew he could not win. Sergeant Ellsberry asked Inmate Loisel if he knew the names of the individuals that assaulted him. Inmate Loisel advised that he was new to the section and that he did not know anyones name. Sergeant Ellsberry asked inmate Loisel if he(Loisel) knew what cell the inmates were in. Inmate Loisel said that he knew that they were from the top tier. He believed that 01 lived in cell #231 and the other either lived in 229 or 228. Sergeant Ellsberry called Sergeant Mathis in booking and had him print out pictures of the inmates located in that cell. Inmate Loisel pointed out inmates Jerome Dontae Johnson #287256 and Michael Tyrone Blackmon #289284. Sergeant Ellsberry asked if the inmates had any distinctive scars, marks or tattoos that they could be identified by. Inmate Loisel said that 01 inmate had a tattoo on his right arm that read Gautier Soldier. Inmate Loisel was examined by Medical staff. Medical nurse Hartley reported to Sergeant Ellsberry that a determination could not be made at this time because there was no distinctive scarring to suggest a forcible rape but he should be watched until he is able to use the restroom so that the medical staff can determine if he has any blood or semen in his stool. Inmate Loisel was escorted back to the block to get his property and was placed in medical until further notice. Sergeant Ellsberry advised that a report would be completed and passed on to y(Ellsberry) superiors and with their an investigator would be contacted. End of report.

DISPOSITION

- ☐ A. Cleared Adult Arrest
☐ B. Cleared Exceptional Adult
☐ C. Cleared Juvenile Custody
☐ D. Cleared Exceptional Juvenile
☐ E. Unfounded
☐ F. Other
☐ G. Suspended Closed

Reporting Officer: No. 154 Name Sgt. Ellsberry	Division Corrections	Reviewing Supervisor: No. Name	Disposition Date
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